

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11 Case No.
LEHMAN BROTHERS HOLDINGS INC., et al., : 08-13555 (JMP)
Debtors. : (Jointly Administered)
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**AFFIDAVIT OF HERB BAER REGARDING CHECKS TO TRAXIS EMERGING
MARKETS OPPORTUNITIES FUND LP AND TRAXIS FUND LP**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

HERB BAER, being duly sworn, deposes and says:

1. I am employed by Epiq Bankruptcy Solutions, LLC (“Epiq”), located at 757 Third Avenue, New York, New York 10017. I am over the age of eighteen years and am not a party to the above-captioned proceedings. Unless otherwise stated herein, the facts set forth in this affidavit are based upon my personal knowledge or the personal knowledge of employees of Epiq who report to me, reasonable inquiry, review by me or those who report to me of records maintained by the Epiq.
2. Lehman Brothers Holdings Inc. (“LBHI”) and its affiliated debtors retained Epiq as their Claims and Noticing Agent pursuant to an Order of the Court dated September 16, 2008. Accordingly, Epiq maintains the official claims register reflecting all claims listed in the Debtor’s Schedules of Liabilities, as amended, and all filed proofs of claim. Additionally, Epiq maintains a database of names and addresses of all potential creditors of the Debtors listed in their creditor matrix.
3. Traxis Emerging Markets Opportunities Fund LP and Traxis Fund LP (collectively, “Traxis”) each filed a proof of claim against LBHI (proofs of claim numbers 66509 and 66511, respectively) and against Lehman Brothers Special Financing Inc. (proofs of claim numbers 66510 and 66512, respectively) (collectively, the “Traxis Claims”). On January 19, 2012, Epiq mailed a *Notice of Confirmation Order* to Traxis and Traxis’ attorneys, Seward & Kissel LLP, at the addresses listed on the Traxis Claims, announcing that the *Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and its Affiliated Debtors* (the “Plan”) has been confirmed.
4. On April 17, 2012, Epiq served by first class mail delivery four (4) checks in the aggregate amount of \$175,948.30 (the “Initial Distribution Checks”) to 600 Fifth Avenue, 26th Floor, New York, New York 10020, the address listed for payment on the Traxis Claims. Traxis listed this address on the federal tax forms that it submitted to Epiq on December 12, 2011

in connection with distributions pursuant to the Plan. The Initial Distribution Checks were mailed in four (4) separate envelopes, none of which have been returned to Epiq.

5. On July 2, 2012, Epiq served by first class mail delivery two (2) personalized wire solicitation letters to Traxis c/o Seward & Kissel LLP at the address listed on the Traxis Claims. Epiq did not receive any request from Traxis to have Plan Distributions sent via wire transfer.
6. On October 1, 2012, Epiq served by first class mail delivery two (2) checks in the aggregate amount of \$27,070.89 (the 'Second Distribution Checks') to 600 Fifth Avenue, 26th Floor, New York, New York 10020. On October 19, 2012, the Second Distribution Checks were returned to Epiq as undeliverable.
7. On October 23, 2012, Epiq informed Traxis that the Second Distribution Checks were returned as undeliverable. On October 23, 2012, Traxis advised Epiq of Traxis' new address in Greenwich, Connecticut. Prior to October 23, 2012, Traxis did not notify Epiq or the Plan Administrator of any change in Traxis' mailing address.
8. On November 28, 2012, Epiq served by first class mail delivery the reissued Second Distribution Checks (the 'Third Series of Checks') in two (2) envelopes to Traxis' new address, 4 Greenwich Office Park, 2nd Floor, Greenwich, Connecticut 06831. The Third Series of Checks were not returned as undeliverable.
9. As of December 20, 2012, the Third Series of Checks had not yet been negotiated. Traxis has alleged in email exchanges with Epiq that it never received the Third Series of Checks. On December 20, 2012, Epiq voided the Third Series of Checks and is currently in the process of sending a fourth series of checks to Traxis at its Greenwich, Connecticut address.



Herb Baer

Sworn to before me this
9th day of January, 2013

